



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 11, 1996

Mr. James Showen  
Senior Assistant City Attorney  
City of Tyler  
P.O. Box 2039  
Tyler, Texas 75710

OR96-2351

Dear Mr. Showen:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102330.

The City of Tyler (the "city") received a request for the name and address of the individual who filed a complaint with the city regarding the requestor's property. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with the informer's privilege.

The informer's privilege, incorporated into the Open Records Act by section 552.101,<sup>1</sup> protects the identity of one who reports a violation or possible violation of the law to officials having the duty of enforcing that law. *See Roviario v. United States*, 353 U.S. 53, 59 (1957). The privilege protects the content of the informer's communication only to the extent that it identifies the informant. *Roviario*, 353 U.S. at 60. The city's neighborhood services director received a report that the requestor was in violation of the city's "weed mowing and trash cleanup ordinance." This report was documented on a form entitled "Environmental Control Record of Complaint." The complainant's name, address, and telephone number were also recorded on the form. You have informed this office that a violation of the "weed mowing and trash cleanup ordinance" carries civil penalties. Under these circumstances, we conclude that the informer's privilege protects the name, address, and telephone number of the complainant. Thus, the city may withhold this information from disclosure pursuant to section 552.101 of the Government Code.

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<sup>1</sup>Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Karen Hattaway", written in a cursive style.

Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 102330

Enclosures: Submitted documents

cc: Dr. F. Donald Haygood  
1120 Regency Lane  
Tyler, Texas 75703  
(w/o enclosures)